

**CITY OF ROCKVILLE PLANNING DIVISION
STAFF REPORT**

April 21, 2004

SUBJECT:

Use Permit USE2002-00654 192-unit apartment complex at the intersection of Veirs Mill Road (MD 586) and First Street (MD 911). Commonly referred to as the Srour property.

Applicant:

Archstone-Smith
2345 Crystal Drive, 10th
Floor
Arlington, VA 22202

Owner:

Farid Srour

Date Filed:

December 20, 2002

Location:

Veirs Mill Road (MD 586
and MD 28) and First Street (MD 911).



REQUEST:

The applicant seeks Use Permit approval for a 192-unit apartment complex at this location. Application includes a parking facility and a retrofit of an existing Maryland State Highway Administration (SHA) stormwater management facility.

RELEVANT ISSUES

In reviewing the application, the following issues emerged and have been addressed:

- The applicant has reduced the number of units twice since evaluation of this project began. The original proposal was for 270 units. After evaluation on the project, the applicant reduced the number of units to 230, and again reduced the number to 192 after further review of the project.
- The original application for this project (270 units) originally utilized the Optional Method of Development provisions for the O-1 zone as set forth in the Ordinance. However, various staff concerns during the evaluation of the overall development plan

forced the reduction of units. Now, the plan uses the standard O-1 zone standards as outlined within Section 25-326(a), which states that multi-family development can occur with this zone, not to exceed 60 units to the acre. The applicant is proposing 54.5 units per acre

- SHA has been an integral part of the design concerns of this project. The intersection of Veirs Mill Road and First Street is part of an on-going SHA study, and five alternatives have been submitted related to the potential levels of disturbance to the intersections. The plan presented within this report has been approved by SHA, and allows for the accommodation of the most significant alternative of road improvements.
- In order to accommodate a variety of concerns on this property, the site will be subject to a land swap with SHA. The plan presented here is reflective of the development once all of the land swaps have occurred.
- Staff and the applicant have been working very closely to address the architectural view of the project from First Street and from the railroad tracks. In response to staff's request, the elevation seen from the railroad track (from Rockville Pike) will have architectural detailing on the parking garage consistent with the residential portion of the facade. With respect to the First Street frontage, the SWM pond is going to be an integral feature, with a retaining wall, and staff wants to ensure an architecturally and aesthetically pleasing frontage.
- Some of the early iterations of the plan were in potential conflict with SHA plans for intersection improvements in the area. The plan has been amended to reflect the project's compatibility with the most impactful alternative (a grade separated interchange) under consideration.

ANALYSIS

Property Description

The subject property is located on approximately 3.2 acres of relatively flat land at the southwest corner of Veirs Mill Road (MD 586 and MD 28) and First Street, which is also known as Maryland Route 911. The property is also bordered by the CSX and Metro tracks to the south, and a State of Maryland owned parcel directly to the east along the First Street frontage that accommodates a SWM facility.

The property is currently configured into three lots, and contains an office building complex of 18,326 square feet. There are annual Christmas tree sales on the lot as well. Access is currently provided from First Street, near the intersection with Veirs Mill Road, via an ingress/egress easement across the State of Maryland property that contains a SWM facility. As part of this application, the State will engage in a land swap that will give SHA control over a piece of property on the Veirs Mill road frontage, with the applicant receiving the parcel of land that encompasses the SWM facility. The facility will be modified to treat storm water from the property and surrounding roads.

The topography of the site is relatively flat, with a trend towards falling off from the Veirs Mill Road frontage down to the railroad tracks and the SHA stormwater management facility.

Background

The O-1 (Office Building) Zone is the City's general office zone, which allows for office development up to 3.0 FAR and 75 feet in height. The purpose of the zone is to provide for office space for a variety of office users, and to provide for a transition between general commercial and residential uses. The Zoning Ordinance was amended in 1989 by the Mayor and Council's approval of Text Amendment Application T-92-88 to allow multifamily dwellings, at a density of up to 60 dwelling units per acre, as a permitted use in the O-1 Zone. The O-1 Zone regulations were modified in 1991 through adoption of T-111-90 to create an optional method of development that allows multifamily dwellings at densities from 60 to 100 dwelling units per acre, if approved by the Planning Commission.

Although the owner of the subject property filed both of the text amendments, the optional method was a staff recommendation. Developments approved under the optional method of development must meet certain additional requirements, including provision of 15 percent of the units as Moderately Priced Dwelling Units (MPDUs) in return for a density bonus of a maximum of 22 units; provision of ten percent of the parcel as landscaped open space; mitigation of traffic impacts resulting in unsatisfactory levels of service as defined by the City's Standard Traffic Methodology; and compliance with applicable urban design guidelines, among others. The optional method criteria also include requirements for underground parking, submission of a solar access study and more stringent setback requirements of 25 feet from each property line.

Most of the land in the O-1 Zone is located along the south side of East Jefferson Street from just west of its intersection with South Washington Street and continuing along Rockville Pike to Richard Montgomery Drive. It also includes the triangular-shaped subject property.

The current office building of 18,326 square feet was built in 1954.

In 1994, Use Permit USE94-0527 was filed for a residential condominium project at this site, but was withdrawn by the applicant.

Proposal

The proposed site plan shows apartments and a parking garage built around a central courtyard. The applicant is proposing 192 apartment units within what could best be described as a "horseshoe" configuration, with the open end of the horseshoe facing the railroad tracks. This "open end" will contain the parking structure, minimizing the number of units that face directly onto the tracks. The units, which will be rental apartments, will consist of 96 one-bedroom and 96 two-bedroom units. Of this total, 15% (29 units) will be Moderately Priced Dwelling Units (MPDUs)

The building will typically be four stories, with basement units showing five stories from the lowest level of the site near the CSX tracks. The overall height of the building will be 55-feet as measured from the curb grade of Veirs Mill Road at the middle of the building, as required by the Ordinance. The allowable height allowed by code is 75 feet. The building will be approximately 65 feet tall from the base of the building to the mid-point of the roof. The applicant has indicated that the basement units will

face onto a courtyard within the interior of the horseshoe-design of the building. The courtyard will be heavily landscaped with a pool, spa, courtyard and fountains.

Setbacks for the project are:

First Street frontage:	48 feet (none required).
Veirs Mill Road frontage:	5 feet (none required)
Side SHA property:	15 feet (15-feet required)
Side – Adjacent to CSX	13 feet (none required)

It should be noted that the setbacks are based on an ultimate condition of the site after the land swap mentioned in the previous section takes place with SHA.



Ingress and egress to the site will be provided from one relocated driveway on First Street, near the railroad tracks. This area has been approved for access by SHA, and will provide access to the multi-level parking garage, the clubhouse and the rental office. The garage will be as tall as the building and will provide access to all of the units on every floor of the project via direct access to the building on the west and a covered pedestrian bridge to the east side.

As part of the review of the project, a 16-foot wide fire access lane has been added to the perimeter of the building. This fire lane will be decorative, and will not provide automobile circulation for the general public. It is, however, being utilized as a pedestrian access on both road frontages, and has been incorporated into the hardscape. This is in addition to the 10-foot wide section of the Millennium Trail, which is also being built as a part of this project along the subject property's First Street frontage.

As stated before, there is a SWM facility located on the First Street frontage. This pond, which will ultimately become part of the Archstone property through the land swap mentioned earlier in this report, will be retrofitted and cleaned up to better integrate it into the proposal. A decorative retaining wall will be part of the proposal, and its height will range in height from 15 feet at its highest (near the entrance towards the railroad tracks) to about two-feet in height closer to the intersection. The wall's effect will be softened by landscape material that will become part of the pond area.

The Veirs Mill Road frontage, which will ultimately be SHA property, will have pedestrian and landscape/hardscape amenities. SHA has approved these amenities in the right-of-way until such time as a widening is done in the vicinity. The landscape plan has been reviewed to ensure that it is sufficient if SHA removes landscaping to modify the intersection.

There are two dumpster enclosures provided within the bottom level of the parking deck, with a staging area located just outside of the garage area. This staging area will be utilized during designated trash pick-up days, with maintenance rolling the dumpsters to this location for collection. Individual disposal of trash will occur from chutes located on both sides of the parking garage on each level. There are recycling facilities provided within the enclosures.

STAFF RECOMMENDATION

Approval is recommended, subject to the following conditions:

1. Submission, for approval by the Chief of Planning, of eleven (11) copies of the site plan, revised according to Planning Commission Exhibit A and a Landscape Plan according to Exhibit B.
2. Submission, for approval by the Department of Public Works (DPW), of the following detailed plans, studies and computations:
 - a. Stormwater management (SWM)
 - b. Sediment control plans
 - c. Public Improvement plans (storm drain and paving, street tree and lighting)
 - d. Signing and pavement marking
 - e. Drainage study with computations and drainage area map
 - f. Any additional notes on the plans.
2. Post bonds and obtain permits from DPW.
3. Applicant shall construct a portion of the Millennium Trail along First Street frontage to CSX (railroad) bridge per DPW requirements.
4. Final Record Plat to reflect the referenced land swap must be approved and recorded prior to building permit issuance.
5. Stormwater management must be provided in accordance with approved SWM concept letter dated 2/11/2004, or as amended and approved by DPW
6. Applicant shall clarify any outstanding MDSHA right-of-way issues and obtain approval and permits from MDSHA as required.
7. Applicant shall construct a sidewalk from site, at a minimum of four-feet wide, along ramp and Stonestreet, to the existing sidewalk on Stonestreet that connects to the Rockville Metro Station, per DPW requirements and direction.

8. Applicant shall provide a sidewalk on east side of Route 28, from Veirs Mill Road to existing connection at Maple Avenue, per DPW requirements. Requirement does not include obtaining easements or any property acquisitions. If any easements or property acquisition is required than applicant shall be permitted to submit a contractor's cost estimate to DPW for their approval and pay a fee in lieu of the actual construction of the sidewalk to satisfy this condition.
9. Applicant shall provide a storm drain study including conveyance of any off-site drainage.
10. Applicant shall provide design and install street lighting along both Veirs Mill Road and First Street per DPW and SHA review and approval.
11. Applicant shall abandon water and sewer easement(s) with the relocation of the main associated with this proposal.
12. All the internal and external traffic control devices (ie. signs, signals, markings and devices placed on, over or adjacent to a roadway or pathway to regulate, warn, or guide pedestrians and/or vehicular traffic) shall comply with the latest edition of the MUTCD. A signing a marking plan shall be reviewed and approved by DPW prior to issuance of a public works permit.
13. Applicant shall contribute, prior to the issuance of a building permit, a monetary contribution of \$6,500 for the installation of a new bus shelter adjacent to the site. The contribution shall to be incorporated into the Bus Stop Beautification CIP.
14. Applicant shall provide bicycle lockers, installed at a convenient and safe location, to serve the development. The location is to be determined by DPW at time of Signature Set drawing submittal.
15. Applicant shall execute a Transportation Demand Management (TDM) agreement with the City of Rockville before the issuance of a building permit. The agreement will require the applicant to make an annual contribution of \$60 per market rate unit for a period of ten years, as outlined within the attached transportation memo.
16. Applicant shall be responsible for the payment of \$66,231.00 for the Publicly Accessible Art in Private Development requirement. Applicant, through the process outlined within the Public Art in Private Development guidelines, may propose art for the project in lieu of payment.
17. Applicant shall certify that noise levels will be at or below 45dBa (Ldn) for apartment interiors and 65dBa (Ldn) for the courtyard for:
 - a. The final design and approved acoustical treatment prior to issuance of building permit.
 - b. The constructed units to ensure that they meet the standards and have been constructed consistent with the certified design prior to issuance of Occupancy Permits.

The reports must be prepared by an approved acoustical consultant and approved by the Chief of Planning in coordination with the City's Environmental Specialist and Inspection Services Division, as appropriate.

18. County Impact Tax must be paid prior to the issuance of building permits.
19. Applicant shall provide bus shelter pad at existing bus stop on MD 586 at First Street.
20. Applicant shall provide an approved Forest Conservation Plan (FCP) per direction of the City Forester.

TRANSPORTATION

Traffic

Transportation staff has comprehensively reviewed the project and has provided their comments in the form of a memo that is provided in the form of an attachment. The memo outlines certain conditions that have been incorporated into this document, as well as identifying various programmatic items, such as the TDM program.



Parking

An integral parking garage will provide the required parking for the application. The garage will have access from First Street, and will provide access to the units associated with this application from all four levels. Based on the number and types of units, the application requires 264 spaces. A total of 328 are included. The total includes eight accessible spaces, two of which are van accessible.

Pedestrian Access and Bicycle Paths

Pedestrian and bike access will be provided from both road frontages of this project. As a condition of approval, the applicant will be constructing a section of the 10-foot wide Millennium Trail bike path along this property's

First Street frontage. This will complete a section of the trail from the intersection of Veirs Mill Road and First Street to the CSX railroad tracks.

The applicant will also be constructing a sidewalk along the ramp under Veirs Mill Road to the Rockville Metro Station, as well as completing a missing link of sidewalk from the intersection of Veirs Mill Road and First Street to Maple Avenue. With respect to this sidewalk, the condition states that the applicant will not be responsible for obtaining any easements or acquiring any right of way. It is not anticipated that any right of way is needed, but in the event that through detailed engineering it is discovered that right of way or easements are needed, the applicant will work with DPW to mitigate the issue.

Transit

As stated before, the applicant will be constructing a sidewalk to the Rockville Metro station that will link Metro to the intersection of Veirs Mill Road and First Street. A sidewalk connection along Veirs Mill Road to Maple Avenue is being provided as well.

Moderately Priced Dwelling Units (MPDUs)

As per the Ordinance, the applicant will be providing 15% of the project's 192 units in the form of MPDUs, for a total of 29. While it is not known whether the MPDUs are one or two bedroom units, the applicant is encouraged to provide a variety of unit types for the project.

STORMWATER MANAGEMENT

SWM will be provided by a combination of an open pond facility and a vault constructed under the parking garage. The open pond facility will be located along First Street where the state's existing dry pond is located. The state required the developer to provide full water quality treatment and partial stream channel protection for the entire drainage area to the pond as a condition to modify the state's existing SWM facility. The underground vault will manage the full water quality, stream channel and over-bank flood protection for this development's site. Both SWM facilities will be owned and maintained by the applicant.

LANDSCAPING/ FOREST AND TREE PRESERVATION

A landscape plan for this development has been submitted and is under review per the requirements of condition number one (1) noted above. In addition, the applicant will be required to submit a landscape plan as per Condition 1 above. Also, an approved Forest Conservation Plan (FCP) is required, and the applicant is working to finalize it with City staff.

Equipment Screening

All of the electrical transformers for this site will be provided underground. All transformers or telecommunications equipment is required by the City of Rockville to be placed underground unless the City of Rockville Planning Commission approves a waiver.

PUBLICLY ACCESSIBLE ART IN PRIVATE DEVELOPMENT

The applicant, based on the number of units, is responsible for a \$66,231.00 payment for this requirement. Art may be provided on the site in accordance with the Publicly Accessible Art in Private Development guidelines established by the City.

STAFF COMMENTS

This property, for a number of years, has been the subject of numerous discussions and has been problematic with respect to re-development. This is based, in part, on the SWM pond's ownership by SHA, and the reluctance of SHA to approve anything based on its plans for future intersection improvements. While unclear as to the extent of the improvements, it is clear that the most impactful alternative, a grade separated interchange, makes development of this property difficult at best.

What is proposed here is a project that has the support of the State and City staff. Numerous discussions and negotiations have taken place with the State over a few years now, and the result is a project that can be endorsed.

The project will improve an area that is currently unsightly, and it will be an aesthetic improvement to this intersection, benefiting all surrounding properties. The retrofit of the stormwater pond alone will help this situation. At the same time, residential development at less than Optional Method approval densities reduces traffic generation from this site. The traffic impact will be further mitigated by the TDM agreement the applicant is proposing, as well as the pedestrian improvements the applicant will be required to make.

Staff endorses this application and recommends approval. It is felt that this residential development is a good proposal for this difficult site. Staff believes it will enhance the surrounding area and relate well to the new downtown development project. In addition, the recommended conditions relating to pedestrian and bicycle improvements in the area will significantly benefit the surrounding community, ultimately saving the City money on expenditures for these items.

NOTIFICATION

Notices were sent to approximately 650 residences and businesses in the East Rockville, Rockcrest, Twinbrook and Twinbrook Forest neighborhoods.

APPROVAL LIMITATIONS

Section 25-193(d) of the Zoning Ordinance requires that **construction or operation must commence within two (2) years of the date of this decision or application approval shall expire.** If the applicant can show just cause, a maximum of two (2) time extensions may be granted by the Planning Commission, each not to exceed one year. However, time extensions are not automatically approved, and sufficient detail and justification will be required in order for the Planning Commission to consider granting an extension.

CONCLUSION

It is Staff's opinion that this application is consistent with the Ordinance. As a result, staff recommends approval of Use Permit USE2002-00654.

Attachments:

1. Traffic and Transportation Memo
2. Aerial View
3. Site Plan
4. Property Exhibit
5. Landscape Plan
6. Landscape Rendering
7. Elevations
8. Elevation Rendering
9. Truck Path Exhibit